

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

BANK OF NEW YORK MELLON CORP.
FOREX TRANSACTIONS LITIGATION

This Document Relates To:

Southeastern Pennsylvania Transportation Authority
v. The Bank of New York Mellon Corp., et al.

International Union of Operating Engineers,
Stationary Engineers Local 39 Pension Trust Fund
v. The Bank of New York Mellon Corp., et al.

Ohio Police & Fire Pension Fund, et al. v. The Bank
of New York Mellon Corp., et al.

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) Master File No. 12 MD 2335 (LAK)
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) 12 Civ. 3066 (LAK)
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) 12 Civ. 3067 (LAK)
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) 12 Civ. 3470 (LAK)
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) **Plaintiffs' Motion To Dismiss**
) **Defendants' Counterclaims**
) **and Third-Party Claims**
) **Pursuant to Federal Rules of**
) **Civil Procedure 12(b)(6), 13**
) **and 16(b)(4)**
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To: Reid M. Figel, Esquire
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NOTICE OF MOTION

PLEASE TAKE NOTICE that Plaintiffs Southeastern Pennsylvania Transportation Authority ("SEPTA"), International Union of Operating Engineers, Stationary Engineers Local 39 Pension Trust Fund ("Local 39 Fund") (along with its Trustees Paul Bensi, Lyle Setter, Jerry Kalmar and Bart Florence (the "Trustees")), and the Ohio Police & Fire Pension Fund and

School Employees Retirement System of Ohio (together “Ohio Funds”) (collectively, “Plaintiffs”), on behalf of themselves and the putative classes they seek to represent, by and through their undersigned counsel, shall move this Court to dismiss the counterclaims and third-party claims of Defendants-Counterclaimants The Bank of New York Mellon and The Bank of New York Mellon Trust Company, National Association (collectively, “Defendants”) pursuant to Federal Rules of Civil Procedure 12(b)(6), 13 and 16(b)(4) in the above-captioned matters before the Honorable Lewis A. Kaplan, United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312, on a date and at a time to be determined by the Court. Defendants’ counterclaims and third-party claims that are the subject of the motion are: (1) breach of contract asserted against Plaintiffs SEPTA and the Local 39 Fund (and its Trustees) and (2) conditional breach of contract against unnamed class members in each of the above-captioned matters.

PLEASE TAKE FURTHER NOTICE that no trial date has been established in this matter.

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